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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

PCT/IB2002/001382



512,108

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 06025PC	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/IB2002/001382	International filing date (day/month/year) 22 April 2002 (22.04.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC F24D 19/10		
Applicant OSTACO AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 17 November 2003 (17.11.2003)	Date of completion of this report 14 July 2004 (14.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/IB2002/001382

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-17 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 1-17 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/9-9/9 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IB 02/01382

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-16	YES
	Claims	17	NO
Inventive step (IS)	Claims	1-16	YES
	Claims	17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations

1. Claim 1

Document D1, considered the closest prior art, discloses (see figure 1) a distribution valve as per the preamble of claim 1. By contrast with the characterising feature of claim 1, namely that the flow is deflected at least twice, in two different directions, between the valve slot and the feed element, the flow in the valve disclosed in D1 is deflected only once.

Although D2 discloses repeated deflection (see column 1, lines 42-68; figure 3), said document relates to a heating body valve with no feed element, the throughflow being in the opposite direction to that in the claimed distribution valve and, albeit that the deflection likewise reduces turbulence, the objective is that of reducing noise. The transfer of the feature "repeated deflection of the flow" is therefore non-obvious and, in consequence, the subject matter of claim 1 is considered inventive (PCT Article 33(3)).

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2. Claim 2

Document D1, considered the closest prior art, discloses (see figure 1) a distribution valve as per the preamble of claim 2. The characterising feature that the adjusting and measuring unit has a housing part which is stationary during normal use of the distribution valve and has a face, preferably the front face, that is in sealing contact, via sealing surfaces and/or a seal, with a housing part of the branch line, which housing part is stationary during normal use of the distribution valve, is not known from D1 or from any of the other cited documents.

3. Claim 17

The subject matter of independent claim 17 is an adjusting and measuring unit which is suitable for the distribution valves or the distribution arrangement according to one of the preceding claims. The distribution valves or the distribution arrangement according to the preceding claims comprise, in each case, an adjusting and measuring unit, each of which is defined by reference to a distribution valve.

3.a) If the object of claim 17 is taken to be that of claiming an adjusting and measuring unit which is a component of the distribution valves according to the preceding claims, there is a lack of clarity in so far as the adjusting and measuring unit according to each of the preceding claims is defined, in each

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case, by reference to a distribution valve which does not belong to the subject matter of claim 17 if the adjusting and measuring unit is claimed separately (PCT Article 6). In order to overcome this defect, the adjusting and measuring unit must be claimed in conjunction with the distribution valve, thus reiterating the subject matter of the preceding claims.

- 3.b) If claim 17 is interpreted as claiming an arbitrary adjusting and measuring unit that is suitable for a distribution valve or a distribution arrangement as per the preceding claims, whether as a substitute for the adjusting and measuring unit defined in the preceding claims or as an additional adjusting and measuring unit, then the subject matter of claim 17 lacks novelty.

To illustrate this point, reference can be made to the adjusting and measuring unit described in D1, and to a lever or handwheel that has an angle indicator and is used to activate the adjusting spindle.

4. Claims 3-16

Since independent claims 1 and 2 are considered to be novel and to involve an inventive step, dependent claims 3-16, which refer back to said independent claims, are also considered novel and inventive.